

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

S.C.,

Plaintiff

v.

HILTON FRANCHISE HOLDING LLC, et
al.,

Defendants

Case No.: 2:23-cv-02037-APG-DJA

**Order Denying as Moot F.P. Holdings’
Motion to Dismiss, Granting Plaintiff’s
Voluntary Dismissal, and Remanding
Remaining Claim**

[ECF Nos. 43, 49]

Plaintiff S.C. sues Hilton Franchise Holding LLC, hotel operators, and several individuals alleging they participated in or benefitted from sex trafficking S.C. at Las Vegas hotels. S.C. brings claims under the Trafficking Victims Protection Reauthorization Act (TVPRA) and the Child Abuse Victims’ Rights Act (CAVRA), as well as claims under Nevada law for victims of human trafficking, negligence, and intentional infliction of emotional distress (IIED).

Defendant F.P. Holdings, LP (FPH), which operated the Palms Casino Resort, moves to dismiss all the claims against it. In response, S.C. states that her efforts to state claims against FPH have been less successful than her claims against the other hospitality defendants, and she voluntarily dismisses all her claims against FPH except her IIED claim, which she requests I sever and remand to state court. ECF No. 49 at 1. FPH does not oppose this request but asks that the other claims be dismissed with prejudice. ECF No. 50 at 2. Interpreting S.C.’s request as a voluntary dismissal, I dismiss her claims against FPH without prejudice except her IIED claim, which I sever and remand to state court.

1 A plaintiff may voluntarily dismiss an action by filing “a notice of dismissal before the
2 opposing party serves either an answer or a motion for summary judgment.” Fed. R. Civ. P.
3 41(a)(1)(A)(i). Unless the parties stipulate otherwise, the dismissal is without prejudice. Fed R.
4 Civ. P. 41(a)(1)(B). I interpret S.C.’s request in her response as a notice of dismissal and dismiss
5 all her claims against FPH without prejudice, except her IIED claim. When appropriate, I may
6 “sever any claim against a party.” Fed. R. Civ. P. 21. Because S.C.’s IIED claim against FPH
7 relies on distinct facts from her claims against the other hospitality defendants, severing this
8 claim is appropriate. Lacking any basis for federal jurisdiction over the IIED claim against FPH,
9 I remand that claim to state court.

10 I THEREFORE ORDER that defendant F.P. Holdings, LP’s motion to dismiss (**ECF No.**
11 **43**) is **DENIED as moot**.

12 I FURTHER ORDER that plaintiff S.C.’s voluntary dismissal for all claims against F.P.
13 Holdings, LP except IIED (**ECF No. 49**) is **GRANTED**. I dismiss these claims without
14 prejudice.

15 I FURTHER ORDER that plaintiff S.C.’s remaining IIED claim against F.P. Holdings,
16 LP is severed and remanded to the state court from which it was removed for all further
17 proceedings.

18 DATED this 12th day of November, 2024.

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22 ANDREW P. GORDON
23 CHIEF UNITED STATES DISTRICT JUDGE